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TRANSMITTAL FORM

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Total Number of Pages in This Submission

5

Application Number

10/697,454-Conf. #7977

Filing Date

October 30, 2003

First Named Inventor

Richard W. Newman

Art Unit

2873

Examiner Name

B. N. Thomas

Attorney Docket Number

281_317

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☒ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/Incomplete Application☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

Return Mailroom Postcard, Certificate of Express Mailing

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MARJAMA & BILINSKI LLP

Signature

Printed name

Peter J. Bilinski

Date

May 7, 2007

Reg. No.

35,067

Transmittal

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, No. EM019416433US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 7, 2007

Signature

(Susan Pagano)



Application No. (if known): 10/697,454

Attorney Docket No.: 281_317

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Response to Restriction Requirement (3 pgs.)
Transmittal (1 pg)
This Certificate of Express Mailing (1 pg.)

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Dated: May 7, 2007

Signature:

(Susan Pagano)

Docket No.: 281_317
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard W. Newman et al.

Application No.: 10/697,454

Confirmation No.: 7977

Filed: October 30, 2003

Art Unit: 2873

For: Apparatus and Method for Diagnosis of
Optically Identifiable Ophthalmic Conditions

Examiner: B. N. Thomas

RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the outstanding Restriction Requirement having a mailing date of April 6, 2007, and pursuant to 35 USC §121, 37 CFR §1.143 and MPEP §818.03(b), Applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I, namely Claims 1-96, of the above-captioned patent application.

Applicants respectfully traverse the restriction requirement since the subject matter of all pending claims is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. In this case, the features relating to Claims 97-99, though noted as relating to that of a person's health include features that are also

covered, for example, in Claim 94, 95 that relate to interpretive results from at least two types of data stemming from eye imaging. As a result, it would appear the the same search resources would be consulted to search Claim 98 and Claims 94 and 95 wherein each of the features of Claims 94 and 95 are subsumed within that of Claim 98. Similar recurrences are present in Claims 97 and 99. See *MPEP* ' 803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to the Applicants and improper duplicative examination by the Patent Office. Withdrawal of the outstanding Restriction Requirement is respectfully requested herein.

If the Requirement is maintained, Applicants herein reserve the right to file additional divisional patent application(s) based on the subject matter of the non-elected claims to this additional Restriction Requirement.

Entry of this response and expedited examination of the herein elected claims is respectfully requested at this time.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicants' representative at the telephone number listed below.

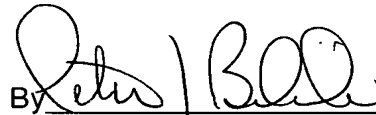
Application No. 10/697,454
Response dated May 7, 2007
Response to Restriction Requirement of April 6, 2007

Docket No.: 281_317

The Director is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Dated: May 7, 2007

Respectfully submitted,

By 
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